

MOTION BY SUPERVISOR KATHRYN BARGER

April 5, 2022

**Reconveyance of Lot 1 at Deerlake Ranch Housing Development**

On March 6, 2019, Forestar Chatsworth, LLC, a Delaware limited liability company (Forestar), the owner of Tract No. 53138-01 in the unincorporated community of Deerlake Ranch filed a final tract map for the development of the Deerlake Ranch housing community, which, among other things, granted Lot 1 of the Tract in fee simple to the County for Sheriff station purposes. Conditional Use Permit 99-239 requires, among other things, that Forestar construct a Sheriff storefront sub-station facility (Sheriff Facility) to the County's satisfaction, and offer it to the County under appropriate terms and conditions as provided for in an agreement between County and Forestar.

The plans for Lot 1 have changed subsequent to the dedication to the County and the proposed building on Lot 1 will be developed to include a community center for the Twin Lakes community containing a mailroom, a community meeting room, and public restrooms. Including the Twin Lakes community mailboxes in the building provides the Twin Lakes community with a more secure area to receive mail. Forestar and/or the Deerlake Ranch homeowners' association will be responsible to operate, maintain and repair the building and these additional uses. Since the planned use of Lot 1 has expanded beyond the original exclusive use by the Sheriff and includes use by Forestar, the homeowners' association and private homeowners for both public and private uses, the same public purpose for which the property was dedicated to the County in fee simple no longer exists. Forestar is still required to fully comply with the conditional use permit, including constructing a storefront sub-station facility and offering it to the County for use by the Sheriff's Department under appropriate terms and conditions in an agreement between County and Forestar. Upon completion of construction, Forestar shall offer the County use of the Sheriff Facility under a long-term gratis lease, not to exceed 99 years, so that the County can use the Sheriff Facility without any obligations for the rest of the building and community use.

**MOTION**

SOLIS	_____
KUEHL	_____
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BARGER	_____
MITCHELL	_____

Government Code section 66477.5(c) authorizes a local agency to reconvey dedicated property to a subdivider if the local agency makes a determination that the same public purpose for which the property was dedicated does not exist, except for that portion of the property that is required for the same public purpose or public utilities.

**I, THEREFORE, MOVE** that the Board of Supervisors:

1. Find that the recommended actions do not constitute a project under the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by section 21065 of the Public Resources Code and section 15378(b)(4) and (5) of the State CEQA Guidelines because reconveying a dedication of land in fee simple back to a subdivider under Government Code section 66477.5(c) does not involve any commitment to a specific project that may result in a potentially significant impact on the environment and is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. The actions herein do not approve any activities that would be considered a project under CEQA. Additionally, for any actions that may be determined to be a project, find such actions to be exempt under CEQA because it can be seen with certainty that there is no possibility that the actions may have a significant effect on the environment pursuant to State CEQA Guidelines section 15061(b)(3). The proposed actions are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Additionally, the recommended actions are within the scope of a Final Environmental Impact Report previously considered by the Board. Upon the Board's approval of the recommended actions, the Chief Executive Officer (CEO), or her designee, will file a Notice of Exemption with the County Clerk in accordance with section 21152 of the State CEQA Guidelines.
2. Find, pursuant to Government Code section 66477.5(c) that the original public purpose for which the property was dedicated no longer exists.
3. Authorize the CEO, or her designee, to reconvey Lot 1 back to Forestar through execution and recordation of a quitclaim deed to Forestar, approved as to form by County Counsel.
4. Authorize the CEO to negotiate and execute a long-term gratis lease between County and Forestar, not to exceed 99 years, approved as to form by County Counsel, to allow the County to access and use the Sheriff Facility and associated parking upon completion of construction of the Sheriff Facility to the satisfaction of County. The County shall have no obligation to contribute funds to operate and maintain the Sheriff Facility.

5. Authorize the Chief Executive Officer, or her designee, to execute ancillary documentation, approved as to form by County Counsel, necessary to accomplish the actions described in this motion.

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SUP:KB